

IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO.95 OF 2006

Mrs.Preeti Jitendra Sarang .. Applicant

versus

Mr.Jitendra Bhikaji Sarang .. Respondent

...

Mr.R.M. Pethe for the applicant.

Mr.Raj J. Khude for the respondent.

CORAM : D.G. KARNIK, J

DATED : 7th December 2006

P.C.:

1. Heard counsel for the parties. By consent, heard finally at the stage of admission.

2. This petition under section 24 of the Code of Civil Procedure is filed by the petitioner wife for transfer of Hindu Marriage Petition no.A-398 of 2006 filed by respondent husband from the Family Court at Bandra to the Court of Civil Judge, Sr. Division, Pune.

3. The petitioner in this petition has averred that

on account of matrimonial disputes, she has been forced to stay with her parents at Nigdi, Pune. The respondent is not maintaining her. The respondent has filed petition for divorce in Bandra Court and she is unable to travel from Pune to Bandra. The respondent has not paid her maintenance. She applied to the Family Court at Bandra for maintenance. The court awarded the maintenance of Rs.1200/- to her and Rs.800/- to her minor daughter but despite that order, respondent has not paid the maintenance.. The petitioner was also awarded maintenance by the Judicial Magistrate u/s.125 of the Code of Civil Procedure. However despite order of the Magistrate also, the respondent has not paid the maintenance. These averments are not denied by filing any affidavit in reply.

4. In my view, considering the financial position of the petitioner, and that she has to look after her minor daughter it would be extremely difficult for her to travel from Nigdi to Pune on every date of hearing and that too without any maintainance being paid to her. Besides, petitioner also has a minor daughter. She cannot travel along with her daughter to Mumbai on every date. Her convenience must be looked into. For these reasons, petition is allowed in terms of prayer clauses (a) and (b).

D.G. KARNIK, J